

**UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA**

Troy Johnson,

Case No.:

Plaintiff,

vs.

NOTICE OF REMOVAL

Transguard Insurance Company of
America, Inc.,

Defendant.

TO: Clerk of the United States District Court for the District of Minnesota

Petitioner/Defendant Transguard Insurance Company of America, Inc. respectfully shows and alleges the following in support of its Petition for Removal.

1. Petitioner is defendant in an action commenced in Hennepin County District Court entitled *Troy Johnson v. Transguard Insurance Company of America, Inc.* A true and correct copy of the Summons and Complaint is attached as Exhibit A. In the Complaint, Plaintiff alleges that Troy Johnson sustained an injury covered by an Occupational Accident policy of insurance issued by Petitioner. Plaintiff further alleges that he has been continuously disabled since August 24, 2014 and that he is therefore due benefits under the terms of the policy.

2. Plaintiff is, and was at the time of this accident, a resident of the City of Coon Rapids, County of Anoka, State of Minnesota. Petitioner is an Illinois corporation with its principal place of business in Naperville, Illinois.

3. Plaintiff has not yet made a demand in this case, but the Complaint seeks recovery in an amount in excess of \$50,000.00. Plaintiff has provided information stating that he was directed by a doctor to stay completely off of work for some time, had an MRI which was read as showing herniated disks in the lumbar and cervical spine, has engaged in physical therapy, and a doctor has recommended that he consider injections for any future ongoing symptoms. The cost of medical treatment in the first six months following the accident has exceeded \$11,000. The policy in question provides coverage of up to \$400 a week for 104 weeks for Temporary Total Disability, \$400 a week until Mr. Johnson reaches age 65 for Continuous Total Disability, and all related medical expenses for up to 104 weeks. Plaintiff is currently 36 years old and could claim up to 29 years of wage loss benefits which, if awarded, would entitle him to approximately \$603,000 in wage loss benefits.

4. Complete diversity exists among the parties to this action and the plaintiff is expected to claim in excess of \$75,000, exclusive of interest and costs.

5. Based upon the foregoing, this Court has original jurisdiction for this matter pursuant to 28 U.S.C. § 1332, and the entire matter is one which may be removed to this Court pursuant to 28 U.S.C. § 1441.

6. Petitioner was served on February 4, 2015. Petitioner and Defendant has filed this Notice to Remove within 30 days after service.

WHEREFORE, Petitioner/Defendant prays that the state action pending against it be removed to this Court.

JOHNSON & LINDBERG, P.A.

Dated: March 6, 2015

By: s/ John R. Crawford

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